

ASSEMBLY BILL

No. 1051

Introduced by Assembly Member Benoit

February 22, 2005

An act to amend Section 24002 of, and to add Sections 430.5, 9955, and 24004.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1051, as introduced, Benoit. Nonhighway vehicles: restrictions.

Existing law regulates the operation of vehicles and combinations of vehicles upon the highways, imposes certain disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, and imposes sanctions for violating these regulations and requirements.

This bill would require a manufacturer or retailer who sells, furnishes, or gives a nonhighway vehicle, as defined by the bill, to provide the buyer or recipient of that vehicle a specified written disclosure indicating that the operation of a nonhighway vehicle on a highway is prohibited.

This bill would authorize a peace officer to cause the removal and impoundment of a nonhighway vehicle that is found to be operating on a highway in a violation of the offense, created by the bill, prohibiting the operation of a nonhighway vehicle upon the highway.

Because under existing law a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 430.5 is added to the Vehicle Code, to
2 read:

3 430.5. A “nonhighway vehicle” is a vehicle that is not
4 manufactured or designed for highway use. A nonhighway
5 vehicle includes, but is not limited to, a vehicle commonly
6 known as a “pocket bike.”

7 A vehicle is designed for highway use if it meets all Federal
8 Motor Vehicle Safety Standards as contained in Title 49 of the
9 Code of Federal Regulations, and as required by this code.

10 SEC. 2. Section 9955 is added to the Vehicle Code, to read:

11 9955. (a) A manufacturer or retailer who sells, furnishes, or
12 gives a nonhighway vehicle shall disclose to the buyer or
13 recipient that a nonhighway vehicle is prohibited from being
14 operated on a highway.

15 (b) The disclosure required under subdivision (a) shall meet
16 both of the following requirements:

17 (1) Be printed in not less than 14-point boldface type on a
18 single sheet of paper that contains only the disclosure.

19 (2) Include the following statement:

20 “THE VEHICLE YOU HAVE PURCHASED OR
21 OBTAINED IS DEFINED AS A NONHIGHWAY VEHICLE.
22 IT IS STRICTLY PROHIBITED FROM BEING OPERATED
23 ON PUBLIC STREETS, HIGHWAYS, AND BICYCLE
24 LANES. IT IS ALSO PROHIBITED FROM BEING
25 OPERATED ON SIDEWALKS AND RECREATIONAL
26 PATHS OR TRAILS. A VIOLATION OF THIS REGULATION
27 MAY RESULT IN PROSECUTION AND IMPOUNDMENT
28 OF THE VEHICLE.”

29 SEC. 3. Section 24002 of the Vehicle Code is amended to
30 read:

31 24002. (a) It is unlawful to operate ~~any~~ a vehicle or
32 combination of vehicles ~~which~~ that is in an unsafe condition, or

1 ~~which~~ *that* is not safely loaded, and ~~which~~ *that* presents an
2 immediate safety hazard.

3 (b) It is unlawful to operate ~~any~~ *a* vehicle or combination of
4 vehicles ~~which~~ *that* is not equipped as provided in this code.

5 (c) *It is unlawful to operate a nonhighway vehicle on a*
6 *highway.*

7 SEC. 4. Section 24004.5 is added to the Vehicle Code, to
8 read:

9 24004.5. (a) A peace officer, as defined in Chapter 4.5
10 (commencing with Section 830) of Title 3 of Part 2 of the Penal
11 Code, may cause the removal and impoundment of a vehicle
12 upon the issuance of a notice to appear for a violation of
13 subdivision (c) of Section 24002. A vehicle so seized may be
14 impounded for not more than 48 hours.

15 (b) The violator is responsible for all towing and storage
16 charges related to the impoundment.

17 SEC. 5. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the
22 penalty for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition of a
24 crime within the meaning of Section 6 of Article XIII B of the
25 California Constitution.